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OFFICE OF PETITIONS

In re Application of
Gabriele Valente
Application No. 09/214,971
Filed: January 15, 1999
Attorney Docket No. 58009-011900

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 24, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed February 12, 2002, which set a shortened statutory period for reply of three(3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 13, 2002.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$980.00 extension of time submitted with the petition on December 24, 2002 was subsequent to the maximum extendable period for reply, the extension of time filed with the instant petition is unnecessary and the fee will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Cheryl Gibson-Baylor at (703)308-5111, or in her absence, Sherry Brinkley at (703)305-9220.

The application file is being forwarded to Technology Center 1700, Art Unit 1772, for processing the Request for Continued Examination under 37 CFR 1.114 filed on December 24, 2002.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions
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for Patent Examination Policy

Sherry D. Brinkley
Petitions Examiner